

REFERENCE TITLE: unlawful sexual conduct involving prisoners

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2342

Introduced by
Representatives Burns J: Alvarez, Hershberger, Konopnicki, Weiers JP,
Senators Aboud, Arzberger

AN ACT

AMENDING SECTION 13-1419, ARIZONA REVISED STATUTES; RELATING TO SEXUAL
OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-1419, Arizona Revised Statutes, is amended to read:

13-1419. Unlawful sexual conduct: correctional facilities: classification: definition

A. A person who is employed by the state department of corrections, the department of juvenile corrections, a private prison facility or a city or county jail, ~~or~~ who contracts to provide services with the state department of corrections, the department of juvenile corrections, a private prison facility or a city or county jail OR WHO IS AN OFFICIAL VISITOR, VOLUNTEER OR AGENCY REPRESENTATIVE OF THE STATE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF JUVENILE CORRECTIONS, A PRIVATE PRISON FACILITY OR A CITY OR COUNTY JAIL commits unlawful sexual conduct by engaging in ~~oral sexual contact, sexual contact or sexual intercourse~~ ANY ACT OF A SEXUAL NATURE with a person who is in the custody of the state department of corrections, the department of juvenile corrections, a private prison facility or a city or county jail or with an offender who is under the supervision of either department or a city or county.

~~B. A prisoner who is in the custody of the state department of corrections, a private prison facility or a city or county jail or an offender who is on release status and who is under the supervision of the state department of corrections or a city or county commits unlawful sexual conduct by engaging in oral sexual contact, sexual contact or sexual intercourse with a person who is employed by the state department of corrections, a private prison facility or a city or county jail or who contracts to provide services with the state department of corrections, a private prison facility or a city or county jail.~~

~~C.~~ B. This section does not apply to:

1. A person who is employed by the state department of corrections, a private prison facility or a city or county jail or who contracts to provide services with the state department of corrections, a private prison facility or a city or county jail or an offender who is on release status if the person was lawfully married to the prisoner or offender on release status before the prisoner or offender was sentenced to the state department of corrections or was incarcerated in a city or county jail.

2. An offender who is on release status and who was lawfully married to a person who is employed by the state department of corrections, a private prison facility or a city or county jail or who contracts to provide services with the state department of corrections, a private prison facility or a city or county jail if the marriage occurred ~~prior to~~ BEFORE the offender ~~being~~ WAS sentenced to the state department of corrections or incarcerated in a city or county jail.

~~D.~~ C. Unlawful sexual conduct with a person under ~~the age of~~ fifteen YEARS OF AGE is a class 2 felony. Unlawful sexual conduct with a person

1 between ~~the ages of~~ fifteen and seventeen YEARS OF AGE is a class 3 felony.
2 All other unlawful sexual conduct is a class 5 felony.

3 D. FOR THE PURPOSES OF THIS SECTION, "ANY ACT OF A SEXUAL NATURE"
4 INCLUDES THE INTENTIONAL TOUCHING OF THE GENITALIA, ANUS, GROIN, BREAST,
5 INNER THIGH OR BUTTOCKS WITH THE INTENT TO AROUSE OR GRATIFY SEXUAL DESIRE,
6 ANY COMPLETED, ATTEMPTED, THREATENED OR REQUESTED SEXUAL ACTS OR ANY
7 OCCURRENCES OF INDECENT EXPOSURE, INVASION OF PRIVACY OR STAFF VOYEURISM FOR
8 THE PURPOSES OF SEXUAL GRATIFICATION. ANY ACT OF A SEXUAL NATURE DOES NOT
9 INCLUDE AN ACT DONE PURSUANT TO A BONA FIDE MEDICAL EXAM OR LAWFUL INTERNAL
10 SEARCH.